

# CHAPTER 2

## YEAR IN REVIEW

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September 13, 1997, marked the fourth anniversary of the Office of the Independent Police Auditor, which was created as an independent and impartial agency, for the purpose of receiving complaints and auditing the investigations of civilian complaints filed against members of the San José Police Department.

In 1997, there was a total of 443 complaints filed. Of those complaints, 133 were filed at the IPA by members of the public who either personally came to the IPA office, telephoned, faxed, wrote or emailed their complaints. While the number of complaints received decreased by 37% from 1996, allegations of Use of Force increased by 17%. In addition to the intake of complaints, 451 completed investigations were audited in 1997. A statistical study of the audits is included in the Audit Analysis section of this report.

The IPA attended 18 subject or witness officer interviews. The interview process conducted by the SJPd's Professional Standards & Conduct Unit (hereafter referred to as the "PSCU") was observed and critiqued by the IPA. In addition, substantive questions were provided to the investigator to ask the subject or witness officers. There were 22 complaints sustained, and 2 officers in four Formal cases resigned while under investigation.

### ***CONFERENCES ATTENDED BY THE IPA***

While civilian review of police practices has been in existence for over 30 years, relatively few sources of information and/or training exist today. Therefore, conferences and seminars are the only organized forums in which to exchange ideas and information to further one's knowledge in this field. The following is a list of events in which the IPA participated.

- The IPA hosted a meeting of the Bay Area Police Oversight Network (BAPON) which was attended by members working in the field of police oversight from Santa Cruz, Novato, San Francisco, Richmond, Berkeley, members of the media, the Santa Clara County Human Relations Commission, and the public at large. Members of the IPA also attended other BAPON meetings held throughout the year in San Francisco, Richmond, and Novato.
- The IPA co-sponsored a three day conference for the National Association of Civilian Oversight of Law Enforcement (NACOLE) held in Oakland. Representatives from 12 states attended and information about their respective cities was exchanged.

- IPA members attended a three day seminar presented by the Labor Relations Information Systems on “Internal Affairs and the Use of Force.” Legal updates, different models of civilian review and other useful information was presented.

### ***IPA OFFICE AND STAFF UPDATES***

The new database created for the IPA and the PSCU is operational and testing is underway. There were technical difficulties encountered which have been resolved. Once this software is fully operational, exchange of information between the IPA and the PSCU will be faster and up to date.

The IPA experienced a high turnover of staff<sup>5</sup> in 1997 primarily because the positions offered low wages and no benefits. The IPA worked with the Mayor’s Office to classify the positions and adjust the budget as necessary. As of July 1, 1997, the staff’s salary was brought up to par with other civil service positions, including benefits. Two staff members completed the Citizen Police Academy offered through the SJPd.

In addition to this Year End Report, a six month statistical summary was prepared in July 1997. Two IPA Newsletters were also published and distributed. The IPA compiled an in-depth reference manual entitled “Investigation Procedural Supplement” which was distributed to all PSCU investigators. This manual contains all the procedural changes to the civilian complaint process that have resulted from the IPA’s recommendations, inter-agency agreements, and meetings throughout the years between the IPA, the PSCU and the Chief of Police. This document will be updated periodically.

### ***MEDIA CONTACTS***

The IPA was contacted by the staff from the “Outlook” section of the *Washington Post* to write an article about the IPA. An article was published along with an Op-Ed piece from the *Washington Post* editorial board. There was also a featured article about the IPA in the *San José Mercury News*’ Spanish language newspaper, *Nuevo Mundo*.

An interview with John McMannis of CNN was taped and was broadcast on different dates. Other media outreach included taping several interviews at the TCI Community Channel. The IPA participated in a call-in radio program at San José State University called Naked Radio. The IPA also participated via telephone in a talk radio program originating in Pittsburgh, Pennsylvania, where the public was invited to call in and ask about the IPA office in San José.

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<sup>5</sup> See Appendix D (IPA’s Office - Main Divisions).

## ***OUTREACH TO COMMUNITY ORGANIZATIONS***

The IPA was a speaker at a Women's Conference held at San José State University. A presentation was made at the San José Human Rights Commission meeting held at the Billy de Frank Center. Other presentations were made at the Santa Clara County Board of Supervisors' Chambers for the Human Relations Commission and to the Santa Clara County Grand Jury. An overview of the functions of the IPA was presented to the Santa Cruz Civilian Review Board in Santa Cruz. The IPA also attended functions sponsored by the National Association for the Advancement of Colored People (NAACP) and the Filipino Youth Coalition. The IPA was a guest speaker at several classes held at San José City College and San José State University.

## ***INQUIRIES ABOUT THE IPA OFFICE***

The IPA was visited by the Institute Director from the Police Executive Research Forum, a Senior Management Institute for Police. The Assistant Police Chief and the City Manager from South Tucson, Arizona, made separate trips to San José to meet with the IPA. Several months later, the Tucson City Manager and the newly appointed Independent Police Auditor spent a day receiving training at the IPA. The City Manager and two Council Members from Albuquerque, New Mexico, came to San José to meet with the IPA and assess the police auditor model.

Throughout the year, the IPA received phone calls followed by requests for additional information from several cities. Copies of the IPA's reports and other information were sent to various cities in California including Grass Valley, Petaluma, Santa Monica, Fairfield, and the LAPD Inspector General. Other requests came from Pennsylvania State University, Boise, Idaho, and Northwest Washington, D.C.

## ***LEGISLATIVE CHANGES AFFECTING CIVILIAN COMPLAINTS***

On January 1, 1997, the Boland Bill<sup>6</sup> went into effect. This bill requires that complainants sign an admonishment advising them that if they file a false complaint, they can be criminally prosecuted. Several adjustments were made in the way complaints are processed in order to comply with this law.

As of January 1, 1998, state law will mandate that all investigations of citizen complaints be completed within one year. Completing all investigations within one year has been a goal for PSCU; however, that goal has not been met. Changes and improvements will be made at the PSCU, in order to meet this requirement.

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<sup>6</sup> See Appendix E (Boland Admonishment).

In addition, the IPA in conjunction with other police oversight agencies routinely monitors legislative bills that negatively impact the complaint process.

### ***MEDIATION: PROJECT IN PROGRESS***

Through out the year, the IPA has reviewed information about mediation programs in other cities. Mediation is a process whereby a civilian and an officer agree to come together to talk about the conflict that gave rise to a complaint. Mediation is very appropriate for allegations involving discourtesy. The IPA met with the PSCU Commander and reviewed the mediation program used by the Portland Police Department in Oregon. In addition, input from the President of the San José Police Officers' Association<sup>7</sup> (hereafter referred to as "SJPOA") was sought, and it appears that the membership of the SJPOA is receptive to this type of a program. The Chief of Police was also consulted, wherein he stated that the concept of mediation "has promise", and that the SJPD is moving forward in it's review and study of mediation.

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<sup>7</sup> The SJPOA is a collective bargaining representative for the sworn members of the SJPD.